

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ANDY L. SMITH,
Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,
Defendants.

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CIVIL ACTION NO. 6:18cv546

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Magistrate Judge's Report and Recommendation, filed November 19, 2018, containing her findings, conclusions and recommendation for the disposition of the Complaint. Docket No. 7. The Report recommends that Plaintiff's Motion to Dismiss Without Prejudice (Docket No. 6) be granted and that the Complaint be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). *Id.* According to the acknowledgment of receipt card filed with the Court, Plaintiff received the Report and Recommendation no later than December 3, 2018. Docket No. 8. No written objections have been filed. The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court. It is hereby

ORDERED that Plaintiff's Motion to Dismiss Without Prejudice (Docket No. 6) is **GRANTED** and that the Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of the Court is directed to close this case.

SIGNED this 16th day of January, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE